



U.S.N. 09/941,537

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chen et al.

Group Art Unit: 1756

Serial No.: 09/941,537

Examiner: J. S. Ruggles

Filed: 08/29/2001

In Response to Office Action

Dated: 11/28/2003

For: METHOD FOR REDUCING LIGHT REFLECTANCE IN A PHOTOLITHOGRAPHIC
DUAL DAMASCENE TRENCH PATTERNING PROCESS

Attorney Docket No.: 67,200-477

EXPRESS MAIL CERTIFICATE

Express Mail label Number EV 405 451 688 US

Date of Deposit Feb 11/04

I hereby certify that this paper in triplicate and a credit card payment form in the amount of \$330.00 (required filing fee) are being deposited with the United States Postal Service via Express Mail on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313


Kathy Dixon

SECOND SUPPLEMENTAL AMENDMENT

Commissioner for Patents
Alexandria, Va 22313-1450

Dear Sir:

In response to an Advisory Action mailed 11/28/2003,
Applicants respectfully request entry of the following amendments
to remove issues on Appeal. Please consider the following
remarks.

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While Applicants understand that entry of amendment after final rejection is not a matter of right, the amendments are responses to amendments suggested by the Examiner or removes issues for appeal. See MPEP 714.13

It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after a final rejection (see 37 CFR 1.116) or reinstate previously canceled claims.

Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(c) is expected in all amendments after final rejection. Failure to properly reply under 37 CFR 1.113 to the final rejection results in abandonment. A reply under 37 CFR 1.113 is limited to:

(A) an amendment complying with 37 CFR 1.116;

and MPEP Section 1207:

1207 Amendment Filed With or After Appeal

To expedite the resolution of cases under final rejection, **an amendment filed at any time after final rejection, but before jurisdiction has passed to the Board (see MPEP § 1210), may be entered upon or after filing of an appeal brief provided that the amendment conforms to the requirements of 37 CFR 1.116.**

For example, if the amendment necessitates a new search, raises the issue of new matter, presents additional claims without cancelling a corresponding number of finally rejected claims, or otherwise introduces new issues, it will not be entered. **A new amendment, new affidavit, or other new evidence must be submitted in a paper separate from the appeal brief.**